

# Order

Michigan Supreme Court  
Lansing, Michigan

December 22, 2011

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2010-12

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

Amendment of Rule 606 of the  
Michigan Rules of Evidence

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 606 of the Michigan Rules of Evidence is adopted, effective January 1, 2012.

[Additions are indicated by underlining and deletions are indicated by strikeover.]

Rule 606. Competency of Juror as Witness.

- (a) At the trial. A member of the jury may not testify as a witness before that jury in the trial of the case in which the juror is sitting. No objection need be made in order to preserve the point.
- (b) Inquiry into validity of verdict or indictment. Upon an inquiry into the validity of a verdict or indictment, a juror may not testify as to any matter or statement occurring during the course of the jury's deliberations or to the effect of anything upon that or any other juror's mind or emotions as influencing the juror to assent to or dissent from the verdict or indictment or concerning the juror's mental processes in connection therewith. But a juror may testify about (1) whether extraneous prejudicial information was improperly brought to the jury's attention, (2) whether any outside influence was improperly brought to bear upon any juror, or (3) whether there was a mistake in entering the verdict onto the verdict form. A juror's affidavit or evidence of any statement by the juror may not be received on a matter about which the juror would be precluded from testifying.

Staff Comment: The amendment of MRE 606 makes Michigan's rule more consistent with FRE 606, and clarifies the types of information a juror may testify to if an inquiry is made into a verdict or indictment.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 22, 2011

*Corbin R. Davis*

Clerk